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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/826,870 | 04/16/2004 | Peter Bergethon | 00398-157001 |

26161
FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

CONFIRMATION NO. 9829
FORMALITIES LETTER



OC000000013084908

Date Mailed: 06/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/30/2004 GWORD0F1 00000034 10826870

FILED UNDER 37 CFR 1.53(b)

| | |
|------------|-----------|
| 01 FC:2001 | 385.00 0P |
| 02 FC:2202 | 549.00 0P |
| 03 FC:2051 | 65.00 0P |

Filing Date Granted**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1098** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1998** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$1098**

- **\$1098 for 61 total claims over 20.**

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

006
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter Bergethon
Serial No. : 10/826,870
Filed : April 16, 2004
Title : DETECTING ISCHEMIA

Art Unit : 3736
Examiner : Unknown

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed June 28, 2004 (copy enclosed), applicant submits herewith the following:

- A check in the total amount of \$999.00 for payment of the basic filing fee of \$385, the additional claim fee for total claims over 20 of \$549, and the surcharge of \$65 for late filing of the basic filing fee and declaration;
- A declaration by the inventor in compliance with 37 CFR §1.63; and
- A Power of Attorney and Election of Assignee to Conduct Prosecution.

Applicant is entitled to small entity status.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 27, 2004
Date of Deposit

Melissa Krugger
Signature

Melissa Krugger
Typed or Printed Name of Person Signing Certificate

Applicant : Peter Bergethon
Serial No. : 10/826,870
Filed : April 16, 2004
Page : 2 of 2

Attorney's Docket No.: 00398-157001

It is understood that this perfects the application and that no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050, with reference to attorney docket no. 00398-157001.

Respectfully submitted,

Date: August 26, 2004

Allyson R. Hutton Reg. No. 54,154
Lee Crews, Ph.D.
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